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Attorneys for Defendant Ernst & Young, LLP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE

JOSEPH LANDON, individually and on behalf)
of all others similarly situated,)

Plaintiff,)

vs.)

ERNST & YOUNG LLP, a limited liability)
partnership; ERNST & YOUNG U.S. LLP, a)
limited liability partnership; and DOES 1-100,)
inclusive,)

Defendants.)

CASE NO.: C-08-02853 RW (HRL)

**REVISED STIPULATION AND
[] ORDER TO ADJUST TRIAL
DATE & REMAINING PRE-TRIAL
DEADLINES**

1 Plaintiff Joseph Landon (“Landon”) and Defendant Ernst & Young LLP (“Ernst & Young”),
2 through their respective counsel of record, hereby stipulate as follows:

3 WHEREAS, on June 1, 2012, this Court set a schedule including a Settlement Conference
4 with Magistrate Judge Lloyd prior to May 9, 2013; Joint Pretrial Statement due on May 3, 2013;
5 Pretrial Conference on May 9, 2013; and Jury Trial on May 20, 2013;

6 WHEREAS, the parties scheduled a Settlement Conference with the Honorable Judge Lloyd
7 for May 3, 2013;

8 WHEREAS, on March 15, 2013, the Parties filed a stipulation to extend the discovery cut-off
9 date to August 17, 2013; the Joint Pretrial Statement deadline to August 19, 2013; the Pretrial
10 Conference date to September 6, 2013; and the Jury Trial date to September 17, 2013.

11 WHEREAS, on March 20, 2013, the Court denied the stipulation, with leave to re-file, and
12 asked for a declaration explaining the reasons for the requested continuance;

13 WHEREAS, pursuant to the Court’s instructions, Landon’s counsel provides a declaration,
14 attached hereto, explaining that the parties have engaged in substantial discovery for the past several
15 months and are continuing to meet and confer in good faith regarding the scheduling of depositions
16 and various disputes related to Landon’s pending written discovery requests;

17 WHEREAS, at this time of year (tax season), the demands on Ernst & Young and its
18 professionals are especially significant, which makes it very difficult to prepare for and schedule
19 depositions;

20 WHEREAS, the parties have again met and conferred and agree that a more limited
21 continuance of the trial date would enable the parties to complete the outstanding discovery and to
22 engage in a meaningful mediation process; and

23 WHEREAS, Ernst & Young, while preserving all of its positions regarding the pending
24 discovery, agrees to a short continuance of the current pretrial and trial deadlines.

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1 BASED ON THE FOREGOING, IT IS HEREBY STIPULATED AND AGREED THAT:

2 1. The following pretrial and trial schedule will be modified as follows:

- 3 a. The discovery cut-off date will be June 21, 2013=
- 4 b. the Joint Pretrial Statement will be due on July 1, 2013=
- 5 c. the Pretrial Conference will be set for July 13, 2013;
- 6 d. the Jury Trial will be set for July 24, 2013. This
- 7 stipulation does not extend or affect the deadlines for disclosing expert
- 8 witnesses, which have already passed.

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10 Dated: March 28, 2013

MARKUN ZUSMAN & COMPTON LLP
William A. Baird
Jeffrey K. Compton

LAW OFFICE OF STEVEN ELSTER
Steven Elster

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15 By: /S/ William A. Baird

16 WILLIAM A. BAIRD
Attorneys For Plaintiff
Joseph Landon

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18 Dated: March 28, 2013

AKIN GUMP STRAUSS HAUER & FELD, LLP
Gregory W. Knopp

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21 By: /S/ Gregory W. Knopp

22 GREGORY W. KNOPP
Attorneys For Defendant
Ernst & Young, LLP

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25 **IT IS SO ORDERED:**
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Ronald M. Whyte
United States District Judge

ECF CERTIFICATION

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: March 28, 2013

By: /S/ William A. Baird
WILLIAM A. BAIRD